

1 fourteen days after service. (*Id.* at 3.) Plaintiff timely filed objections on May 15, 2017. (Doc.
2 No. 46.)

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
4 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
5 objections, the court finds the findings and recommendations to be supported by the record and
6 by proper analysis.

7 In his objections, plaintiff contends that he has made numerous attempts to get a
8 correspondence approval, but has received no response. (*See* Doc. No. 46.) Plaintiff further
9 states that he is given "major hassles" from the counselor or prison officials, and his documents
10 are either deemed lost or disregarded. Thus, according to plaintiff, he has no way to demonstrate
11 or prove to the court that he has followed the prison procedures in requesting that he be allowed
12 to correspond with inmate Crawford. Plaintiff states an affidavit from inmate Crawford will
13 corroborate the allegations of his complaint and give him a better chance of prevailing on
14 summary judgment or at trial. Finally, plaintiff contends that he does not have time to use the
15 prison grievance system because that process is a lengthy one and does not a guarantee a result.

16 As an initial matter, the undersigned agrees with the assigned magistrate judge that this
17 court lacks the jurisdiction in this action over anyone other than the plaintiff and the defendants.
18 (*See* Doc. No. 42 at 2) (citing *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100, 112
19 (1969). As such, the court cannot order the Warden M. E. Spearman to authorize plaintiff to
20 communicate with inmates incarcerated at other prisons as plaintiff requests. At most, the court
21 can seek the assistance of officials at the California Department of Corrections and Rehabilitation
22 if it were to find that plaintiff's ability to litigate his claim was being hampered unnecessarily.
23 However, under the present circumstances of this case, the court declines to do so. Even if
24 plaintiff has adequately pursued the prison administrative procedures for seeking authorization to
25 communicate with inmates incarcerated at other prisons, he has not shown this court that any such
26 communications are necessary to prosecute this action. *See, e.g., Bridges v. Hubbard*, No. 2:09-
27 cv-00940-GEB-DAD, 2013 WL 1281781, at *2 (E.D. Cal. Mar. 26, 2013) (denying motion due to
28 failure to adequately demonstrate that any potential third-party inmate witnesses possessed

1 relevant evidence with regard to the case); *Puckett v. Bailey*, No. 1:10-cv-02145-LJO-GBC, 2012
2 WL 1196488, at *2 (E.D. Cal. Apr. 10, 2012) (denying plaintiff's motion to correspond with
3 inmate witnesses because he failed to show the prospective witnesses had relevant knowledge);
4 *Tilei v. Wan*, No. 1:06-cv-00776-OWW-GSA, 2011 WL 121552, at *7 (E.D. Cal. Jan.13, 2011)
5 (same). Here, plaintiff has not informed the court as to what specific evidence inmate Crawford
6 will provide regarding this case. Moreover, plaintiff's argument concerning the lengthy nature of
7 the prison grievance process is also unpersuasive. As a result, the undersigned finds no basis on
8 which to reject the findings and recommendations.

9 Accordingly,

- 10 1. The May 2, 2017 findings and recommendations (Doc. No. 42) are adopted in full; and
- 11 2. Plaintiff's request of order or subpoena in obtaining affidavit statement from witness
12 (Doc. No. 39), construed as a motion for a preliminary injunction is denied.

13 IT IS SO ORDERED.

14 Dated: August 8, 2017

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17 UNITED STATES DISTRICT JUDGE
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